

**SECOND AMENDMENT  
TO THE DRAFT PROGRAM  
ENVIRONMENTAL IMPACT REPORT**

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**NORTH SAN JOSÉ  
DEVELOPMENT POLICIES  
UPDATE**

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**CITY OF SAN JOSÉ  
SCH #2004 102067**

**June 2005**

### **III. RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

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NOTE: Section II of the First Amendment to the Draft EIR identifies a letter from the State Department of Health Services as comment letter number 3. A letter from the Santa Clara Unified School District is identified as comment letter number 4. The Responses to Comments in Section III, however, includes responses to the School District letter under subsection III.3. The responses to the Department of Health Services letter were inadvertently omitted, and are provided below. A copy of the letter is included in its entirety in Section V of the First Amendment. The comments from and responses to the letter from the Santa Clara Unified School District should be renumbered as Comments and Responses 4a through 4c.

#### **3. RESPONSE TO LETTER FROM CALIFORNIA DEPARTMENT OF HEALTH SERVICES, DATED APRIL 6, 2005:**

**COMMENT 3a:** The State Department of Health Services (Department), Drinking Water Field Operations Branch, has received a copy of the above-mentioned report for comments. As a responsible agency having regulatory jurisdiction over the water utilities that provide domestic water service to the area of the proposed project in the report, the Department appreciates this opportunity and offers the following comments below.

Section J, Subsection 2 - Public Services and Utilities Impacts, Water Service, pages 301-302, discusses the impact the proposed project would have to the domestic water service in the North San José area. The area is served by two independent utilities, namely, San José Municipal Water System (SJMWS) and San José Water Company (SJWC). The report indicates that these two utilities anticipate they will be able to provide water service to future developments allowed under the proposed project. The report indicates that SJMWS has identified the need for additional facilities including two three-million-gallon reservoirs, four wells, and four 1,500-gallon per minute (booster) pumps per well to provide the necessary capacity in its system. However, the report is not clear on how SJWC will anticipate meeting its share of the project's water demands. It will be helpful information in the final report to discuss if SJWC has also identified any need for additional facilities and capacities, or if its existing system is adequate to meet that project's water demand.

**RESPONSE 3a:** The Water Supply Assessment provided by the San José Water Company is provided in the First Amendment to the Draft EIR, as Appendix K under the proposed text revisions in Section IV. As stated in that report, San José Water Company believes that one to three additional wells may be required to provide adequate water pressure to serve the project area within the San José Water Company service area. The water supply is anticipated to be augmented by treated water from the Santa Clara Valley Water District.

**COMMENT 3b:** As mentioned above, this Department has jurisdiction over both SJMWS and SJWC. Since the report indicates the need for additional water facilities and capacities in order to meet the water demands of the proposed project, we wish to inform about the need by the water utilities involved to apply for and obtain the necessary (amended) permit from the Department regarding any additions or changes to their systems, in accordance with Section 116550 (a), Article 7, Chapter 4 of the California Health and Safety Code. This section specifies that no person operating a public water system shall modify, add to or change his or her source of supply or method of treatment of, or change his or her distribution system as authorized by a valid existing permit

issued to him or her by the Department unless the person first submits an application to the Department and receives an amended permit as provided in this chapter authorizing the modification, addition, or change in his or her source of supply or method of treatment.

**RESPONSE 3b:** The jurisdiction of the Department of Health Services is acknowledged. All modifications to the public utility systems would be made consistent with requirements of the California Health and Safety Code.

## IV. REVISIONS TO THE TEXT OF THE DRAFT EIR

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Page #

xii Summary:

**REVISE** the second sentence in the first mitigation measure on this page as shown:

Mitigation was identified and is proposed for all but 37 intersections. No feasible mitigation could be identified at ~~20~~ 21 intersections in the City of San José, 12 of which in the North San José project area. The City lacks....

xxxii **ADD** to the end of the table of impacts and mitigation measures the following:

<u>Cumulative Impacts</u>	
<u>This proposed project will contribute to the following cumulatively significant impacts:</u> <ul style="list-style-type: none"><li>• <u>direct and indirect land use impacts resulting from traffic increases on residential streets;</u></li><li>• <u>visual and aesthetic impacts resulting from loss of open space and obstruction of scenic views;</u></li><li>• <u>increased roadway congestion;</u></li><li>• <u>regional air pollution;</u></li><li>• <u>increases in traffic noise on public streets and significant construction noise;</u></li><li>• <u>impacts to burrowing owls and their habitat;</u></li><li>• <u>loss of trees;</u></li><li>• <u>energy impacts.</u></li></ul>	<u>Significant Unavoidable Cumulative Impacts</u>

267 III.H. Hydrology and Water Quality; 2. Hydrology and Water Quality Impacts; Flooding Impacts:

**ADD** the following text at the end of the section, just before the impact statement:

The City of San José is not proposing to increase pumping capacity into the river, and no analysis of the impacts associated with increasing pumping capacity was prepared as part of this EIR. Any subsequent proposal to increase pumping capacity into the Guadalupe River would require subsequent CEQA review and the Water District's agreement.

268 Stormwater Drainage Impacts:

**ADD** the following text to the end of the section, before the impact statement:

As stated previously, the City of San José is not proposing to increase pumping capacity into the Guadalupe River.

399 Section V. Cumulative Impacts; C. Analysis of Cumulative Impacts; 10. Cumulative Utilities Impacts; Cumulative Impacts to Sanitary Sewer/Wastewater Treatment Facilities; Water Pollution Control Plant (WPCP):

**REVISE** the last sentence in the fourth paragraph on the page as shown:

...Neither this scenario nor a situation in which the flow cap restriction of 120 mgd could be exceeded would be allowed to occur, based on the requirements of Chapter 15.12 of the Municipal Code (see discussion below).

422 VII. Significant Unavoidable Impacts

**ADD** the following to the end of the section:

Traffic from this proposed project will contribute significantly to the cumulatively significant direct and indirect land use impacts resulting from traffic increases on residential streets.

This proposed project will contribute significantly to the cumulatively significant visual and aesthetic impacts resulting from loss of open space and obstruction of scenic views.

This proposed project will contribute significantly to the cumulatively significant impacts resulting from increased roadway congestion.

This proposed project will contribute significantly to the cumulatively significant impacts on regional air quality.

This proposed project will contribute significantly to cumulatively significant increases in traffic noise on public streets and to cumulatively significant construction noise.

This proposed project will contribute significantly to cumulatively significant impacts to burrowing owls and their habitat.

This proposed project will contribute significantly to a cumulatively significant loss of trees.

This proposed project will contribute significantly to cumulatively significant energy impacts.